

Changes to 19-149, HAR – 8-7-2020

§19-149-2:

Amended the definition of “covered employee” by deleting a reference to “driver’s license” and inserting “state civil identification card.” The rules relate to state ID, not driver licensing.

Deleted the definition of “domicile”, because it is not needed in these rules.

Amended the definition of Examiner of Drivers so the duties relative to state ID cards are explicitly stated in these rules.

Added definitions for "Material change", "Personally identifiable information" and “Primary Care Provider “, because these terms are used in the rules but not currently defined.

§19-149-3:

Amended subsection (a) to allow an out-of-office venue for homebound applicants or applicants with a disability that presents a serious burden for an in-person application.

Paragraph (1) is amended by changing the word “sex” to “gender”. This is in preparation for implementing Act 148, SLH 2020, which allows for a third gender option – not specified.

Paragraph (2) is amended by deleting language relating to verifying documents only for US citizens and that citizenship will be noted on the credential. These statements are not accurate, because all documents are verified, and the citizenship is not noted on the credential.

Amended subparagraph (A) by changing “identity” to “legal name”, because the legal name is used when establishing identity.

Amended (A) (xi) by removing the requirement to complete a gender designation form. Act 148, SLH 2020 prohibits the use of such a form.

Subparagraph (B) is amended by allowing a U.S. Department of Defense DD Form 214 to be accepted for birth dates 1935 or earlier. This will aid elderly people without a birth certificate.

Clause (C)(ii) is amended by noting some SSA anomalies regarding the spelling of names. This will help eliminate confusion when customers are being processed.

§19-149-7:

Paragraph (16) is amended by allowing a homeless or inmate applicant to submit only one document as evidence of principal residence, rather than two documents required of applicants who are not homeless or inmates.

The balance of changes made in this subsection is housekeeping.

§19-149-8:

Paragraph (4) of subsection (e) is added to provide an additional means to show proof of social security number. This will help people who do not have a social security card at the time they are making application for a state ID.

Subparagraphs (D) and (E) of (f)(1) are deleted as exceptions for documents to show proof of legal name and date of birth. The common access card in (D) is being deleted, because it was not listed in the Department of Homeland Security final Real ID rule. We want our rules to reflect the federal rules. Requiring a state ID card to be issued after January 2013 is no longer necessary, so it is being deleted.

§19-149-12:

Subsection (d) is deleted because temporary cards do not get renewed; the person simply applies for a new card.

§19-149-16:

Subsection (c) is amended by removing the requirement to complete a gender designation form. Act 148, SLH 2020 prohibits the use of such a form.

§19-149-17:

Subsection (a) is added to accommodate applicants with temporary lawful status. They must appear before the examiner of drivers and submit proof of legal presence when applying for a renewal or duplicate REAL ID identification card.

Subsection (b) is amended to clarify that a person applying for a duplicate or renewal ID card with a material change, must apply in person. The subsection also provides an exception for an out-of-office venue for persons who are homebound or have difficulty travelling due to illness.

Subsection (c) is new and makes it possible for a person to apply for a duplicate card remotely, provided there is no material change.

§19-149-18:

The title of this subsection is changed so obtaining a renewal or duplicate can be done remotely, which includes postal service and on-line applications.

Subsection (a) is amended to allow remote renewals and duplicates, provided all required documents were submitted previously while at a station. It also notes that the applicant must appear for a new photograph and other needed items within a 16-year period.

Subsection (b) is amended by changing the words “by mail” to “remotely” and reiterates that a material change or change in citizenship requires an appearance at a station.

Subsection (c) is amended to allow applications to be submitted by mail or electronic methods if available. It also provides for various ways of making payment. It notes further that applicants who desire to update their photo, must appear in person at a station.

Subsection (d) is amended to allow homebound or severely handicapped applicants a way to renew their credentials remotely.

Paragraph (d) (3) is amended by deleting authority of a caregiver to take fingerprints and photographs for an application for a disabled person and giving the examiner of driver’s authority to determine whether a disability qualifies as a serious burden. It also lays out procedures for capturing photos and fingerprints for out-of-office processing.

Paragraph (d)(4) is amended to delete the requirement for an applicant to submit two digital images of the applicant and inserting authority for the examiner of drivers to obtain required documents via an out-of-office venue.

Paragraph (d)(5) is added to allow for an out-of-office photograph of a disabled applicant to be arranged.

§19-149-20:

Paragraph (4) is deleted, because due to a change in federal law, individuals covered under the Compact of Free Association are not processed in a unique manner and therefore do not need to be mentioned.

§19-149-22:

Subsection (a) has the words “to the applicant” added to make clear that the license is to be given only to the person named on the license.

Subsection (b) clarifies the processing procedures when issuing a license over-the-counter after it was not delivered by mail.